

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

DANIEL VALLEJO RECIO,
Institutional ID No. 598857,

Plaintiff,

v.

RUDY VASQUEZ, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:18-CV-264-C

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge held an evidentiary hearing on Plaintiff's motion for default judgment to determine damages. *See* Doc. 121. Based on the hearing and supplemental documents filed by Plaintiff, the Magistrate Judge made findings, conclusions, and a recommendation that Plaintiff's motion be granted, that default judgment be entered against Defendants Vasquez and Thomason, and that specific damages be awarded. Doc. 126. No objections were filed.

The District Court made an independent examination of the record in this case and reviewed the Magistrate Judge's findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** and **ADOPTS** the findings, conclusions, and recommendation of the United States Magistrate Judge.

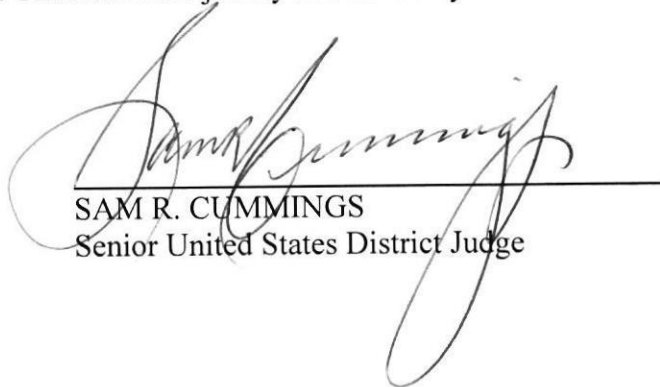
IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that

- 1) Plaintiff's Motion for Default Judgment (Doc. 113)¹ is **GRANTED**.

¹ Plaintiff's subsequent handwritten, pro se motion for default judgment (Doc. 122) will be terminated. *See McKaskle v. Wiggins*, 465 U.S. 168, 182-83 (1984) (providing that there is no constitutional right to hybrid representation).

- 2) Default judgment is entered in favor of Plaintiff against Defendant Rudy Vasquez, in the total amounts of \$25,000 in actual damages and \$75,000 in punitive damages, with post-judgment interest at the applicable statutory rate, for:
 - a) excessive use of force,
 - b) conspiracy to violate Plaintiff's civil rights through excessive force and deprivation of food and water, and
 - c) assault and gross negligence in violation of Texas state law.
- 3) Default judgment is entered in favor of Plaintiff against Defendant Michael Thomason, in the total amounts of \$25,000 in actual damages and \$75,000 in punitive damages, with post-judgment interest at the applicable statutory rate, for:
 - a) deprivation of food and water, and
 - b) conspiracy to violate Plaintiff's civil rights through deprivation of food and water.
- 4) Plaintiff's Motion for Award of Attorney's Fees (Doc. 124) is **GRANTED**, and Plaintiff is awarded attorney fees in the amount of \$19,697.50, for which Defendants Vasquez and Thomason are jointly and severally liable.

Dated February 21, 2023.



SAM R. CUMMINGS
Senior United States District Judge